

July 9, 2004

VIA ELECTRONIC SUBMISSION

Mr. William F. Maher, Jr.
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 99-200, Administration of the North American Numbering Plan

Dear Mr. Maher,

On June 17, 2004, the Federal Communications Commission (FCC or Commission), Wireline Competition Bureau (WCB or Bureau) granted SBC IP Communications, Inc.'s (SBCIP) request for Special Temporary Authority (STA) to obtain numbering resources directly from the Pooling Administrator (PA) for use in a limited, non-commercial trial of Voice over Internet Protocol (VoIP).¹ For the reasons articulated in the *SBCIP Order*, PointOne² requests similar authority from the Bureau.

Like SBCIP's trial, PointOne's proposed trial would be narrowly tailored to avoid implicating any potential numbering depletion concerns. The trial would utilize no more than 1000 NANP numbers in each of 10 domestic US markets, it would last no more than nine months, and it would involve only friends and family of PointOne. For the reasons discussed below and in the Bureau Order granting SBCIP's similar STA, granting PointOne's STA would serve the public interest by enabling PointOne to experiment with a more efficient means of interconnection between IP networks and the Public Switched Telephone Network (PSTN), potentially leading to the development of new and innovative VoIP services for American consumers.

Purpose of the Trial. As explained by SBCIP, many VoIP services in the market today allow customers on an IP network to call parties served by a carrier operating a time division multiplexed (TDM) network within the PSTN, and vice versa. In order for such calls

¹ In the Matter of Administration of the North American Numbering Plan, CC Docket No. 99-200, DA 04-1721, Order at ¶ 5 (rel. WCB June 17, 2004) (SBCIP Order). In the Order granting SBCIP's request, the Bureau stated that SBCIP should obtain its codes from the PA because the diversity of geographic areas where SBCIP intends to conduct its trial would lead to an inefficient use of number resources if the NANPA assigned the codes. PointOne acknowledges the importance of number conservation measures and agrees to obtain numbers from the PA for the same reasons.

² PointOne is a market leading IP services company providing one of the few class of service Voice over IP (VoIP) products available today. PointOne offers "any-to-any" services over its state-of-the-art, Advanced IP Communications Network.

to be possible, the VoIP provider must be able to assign a NANP telephone number to its customer; otherwise, a customer on the PSTN would have no way of dialing the VoIP customer. Pure VoIP providers,³ however, are information service providers, which, as discussed below, may not be eligible for direct assignment of NANP telephone numbers under the Commission's existing rules. Accordingly, in order to obtain NANP telephone numbers that can be assigned to their customers, VoIP providers often purchase a local retail product from a competitive LEC (such as a Primary Rate Interface (PRI) ISDN line).⁴ Typically, the VoIP provider also uses this retail product to interconnect with the PSTN so it can send and receive certain types of traffic between its network and the carrier networks. In this arrangement the competitive LEC terminates the VoIP traffic on the PSTN or delivers the traffic to another carrier for local termination on the PSTN⁵.

While this form of interconnection allows the VoIP provider to obtain numbering resources and interconnect with the PSTN by purchasing a local PRI, it may not be the most efficient or cost-effective means for a VoIP provider to send originating traffic to the PSTN because it requires separate interconnection, with potentially multiple end office switches, using local access products that may be limited in terms of availability and scalability. In particular, a VoIP provider's ability to offer service may be limited by the locations, calling scopes, and installation schedules of the providers and products utilized to gain access to end-offices.⁶

As explained by SBCIP in its June 3, 2004 letter submitted in the above captioned docket,⁷ PointOne's trial is intended to develop a more efficient means for VoIP providers to interconnect with the PSTN -- similar to the objectives enunciated by SBCIP for its trial. By interconnecting with the PSTN at a centralized switching location, e.g., a tandem switch, PointOne believes it can more efficiently utilize its pure IP network to develop services that overcome the availability and scalability limitations inherent in the current methods of

³ PointOne uses the term "pure VoIP providers" to distinguish providers with an all IP network providing services with an "enhanced" feature set and/or "peer-to-peer" (P2P) providers from those providers that may offer bundled packages of information and telecommunications services out of the same corporate entity.

⁴ Pursuant to the *ESP Exemption*, enhanced service providers (ESPs) are treated as end-users for purposes of applying access charges. As end-users, ESPs are permitted to purchase local exchange services at business line rates from local exchange carriers. See *Amendment to Part 69 of the Commission's Rules Relating to Enhanced Service Providers*, Order, 3 FCC Rcd 2631 at ¶ 2 n.8 (1988) (*ESP Exemption Order*). This is in contrast to interexchange carriers (IXCs) who provide telecommunications services by purchasing "access services" from local exchange carriers on a usage-sensitive basis. See generally, 47 C.F.R. § 69.1 *et. seq.*

⁵ While it is apparent that SBC's position is that any form or type of VoIP should pay access to the providing local exchange carrier, it is not apparent that the Commission's current rules agree. Nevertheless, as to not raise the compensation issue in this trial arrangement, PointOne agrees that terminating access is due on the trunks associated with this trial.

⁶ For example, PRI lines are not available in all central office serving areas.

⁷ *Letter from Gary L. Phillips, General Attorney & Assistant General Counsel, SBC Telecommunications, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 99-200, at pp. 2-3 (filed June 3, 2004) (SBCIP Letter)* (comparing VoIP provider interconnection to the wireless industry's early efforts to evolve from Type 1 to Type 2 interconnection).

interconnection to end office switches.⁸ To validate this proposition, PointOne proposes to conduct a nine-month, noncommercial VoIP trial in no more than 10 LATAs, with immediate deployment in four LATAs (Dallas, San Antonio/Austin, Houston, Los Angeles). Only friends and family of PointOne would participate in this trial. The trial will be limited to no more than ten thousand NANP numbers, which will be used for testing call processing for the participants engaged in the trial.

Request for STA. Because PointOne does not plan to use PRI lines for this trial, however, PointOne will need to obtain numbering resources directly from NANPA / PA. Specifically, PointOne would require the ability to obtain telephone numbers in each of the relevant rate centers as well as a Local Number Portability (LNP) Location Routing Number (LRN) for each LATA encompassed in the trial. PointOne would utilize those numbers consistent with Commission rules and numbering requirements set forth by industry guidelines.⁹ PointOne requests that the Bureau waive the requirement to file the Number Resource Utilization and Forecast Report (NRUF) as it did for SBCIP.¹⁰ Should the Bureau grant PointOne's request, PointOne agrees that it will file a report summarizing its number utilization in the trial within thirty (30) days after conclusion of the trial. PointOne also agrees that unless the Commission determines that VoIP providers are eligible for direct assignment of NANP telephone numbers in the interim, PointOne will return the numbering resources to the PA upon expiration of the STA.¹¹

Under existing Commission rules, PointOne may not be able to obtain numbering resources directly from NANPA because those rules require that numbers be assigned only to applicants who are authorized to provide service in the geographic area in question.¹² Specifically, the Commission has interpreted its rules as requiring "carriers [to] provide, as part of their applications for initial numbering resources, evidence (e.g., state commission order or state certificate to operate as a carrier) demonstrating that they are licensed and/or certified to provide service in the area in which they seek numbering resource[s]."¹³ PointOne provides an information service to end-users and, as an information/enhanced service provider, is not required to obtain state certification or other authorization. By granting PointOne's STA request, however, the Bureau could authorize PointOne to obtain numbering resources directly from NANPA / PA without obtaining carrier certification.

⁸ For purposes of the trial, PointOne will interconnect to the tandem from the LEC. These connections, however, typically do not include numbering resources, but will for the duration of the test, and will allow for two-way calling for PointOne's Advance IP Communications trial users.

⁹ PointOne notes that some numbering requirements may not be particularly applicable in the context of the trial we propose, and the Bureau may choose not to apply them to PointOne for the purposes of this trial. See 47 C.F.R. §§ 52.15(f)(4) (forecasts), (5) (utilization), (6) (reporting frequency), 52.15(g)(3)(i) (months-to-exhaust and utilization reporting for growth numbering resources). PointOne will, of course, comply with whichever of these requirements the Bureau deems necessary.

¹⁰ See *SBCIP Order* at ¶ 5 and n.14.

¹¹ *Id.*

¹² See 47 C.F.R. § 52.15(g)(2)(i).

¹³ *Numbering Resource Optimization*, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7613 ¶ 97 (2000).

As explained in the *SBCIP Order*, the standard for granting an STA request is whether the proposed action “will serve the public interest, convenience and necessity.”¹⁴ In addition to the SBCIP trial, the Bureau has previously granted STA requests to, among other things, allow service providers to “engage in limited advanced services trials to gain experience in operating next-generation networks.”¹⁵ Likewise, granting PointOne an STA to obtain numbering resources directly from NANPA / PA will further that same goal. It will allow PointOne to test the interoperability of an IP network with the PSTN via direct tandem interconnection, which, if successful, may allow PointOne to develop innovative, new VoIP services.

Moreover, by granting this STA request and allowing PointOne to perform this limited trial, the Bureau will in no way be prejudging the outcome of any issues raised in the pending *IP Enabled Services* rulemaking.¹⁶ Grant of PointOne’s request is also consistent with the decisions of the North American Numbering Council (NANC) and the Industry Numbering Committee (INC) who concluded that there was no reason to change the INC number assignment guidelines for the provision of VoIP services “until such time as regulatory decisions may provide direction or if INC is requested by some outside entity (i.e., NANC) to recommend such changes.”¹⁷

For all of these reasons, we request that the Bureau promptly grant PointOne’s STA request and authorize PointOne to obtain numbering resources directly from NANPA / PA for the purpose of conducting the limited trial discussed above. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

/s/ Staci L. Pies

Staci L. Pies

¹⁴ See *Application of GTE, Transferor, and Bell Atlantic Corporation, Transferee, for Consent to Transfer Control of Domestic and International Section 214 and 310 Authorizations and Applications to Transfer Control of a Submarine Cable Landing License*, CC Docket No. 98-184, Order, 16 FCC Rcd 15,957 ¶ 3 (Policy and Program Planning Division 2001) (granting Verizon and its advanced services affiliate Special Temporary Authority to offer xDSL service for resale over resold lines prior to the scheduled sunset of the advanced services affiliate requirement contained in the Bell Atlantic-GTE Merger Order). See also 47 U.S.C. § 154(i) (“The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions); 47 U.S.C. § 303(r) (“[T]he Commission from time to time, as [the] public convenience, interest, or necessity requires shall . . . Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act . . .”).

¹⁵ See *SBCIP Order* at ¶4 n.10.

¹⁶ *IP-Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004).

¹⁷ Industry Numbering Committee (INC), *Report on VoIP Numbering Issues*, Issue #: 393, Resolution Date (Nov. 3, 2003).